CGHC010073582023 2026:CGHC:46382

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Reserved on 24.08.2026

Order Passed on 03.11.2026

WPC No. 1083 of 2023

1 - Pokhram Sahu S/o Gajadhar Sahu Aged About 34 Years R/o Khorsi, Tahsil Pamgarh, District Janjgir-Champa (C.G.)

--- **Petitioner**

Versus

1 - State of Chhattisgarh Janjgir-Champa, Dist. Janjgir-Champa (C.G.)

2 - Collector (Land Acquisition) Janjgir-Champa, Dist. Janjgir-Champa (C.G.)

3 - Sub Divisional Officer (Revenue)-Cum Land Acquisition Officer Pamgarh, District Janjgir-Champa (C.G.)

4 - Executive Engineer Water Resources Survey And Barrage Construction Division No. 2, Champa, Dist. Janjgir-Champa (C.G.)

--- **Respondents**

RAVVA UTTEJ KUMAR RAJU
Digitally signed by RAVVA UTTEJ KUMAR RAJU
Date: 2026.11.03 18:31:18 +0530

WPC No. 2375 of 2023

1 - Janki W/o Krishna Aged About 28 Years R/o Village Khorsi, Kharoud, Tahsil Pamgarh, District Janjgir- Champa (Chhattisgarh)

2 - Subhadra D/o Umendram Aged About 53 Years R/o Village Khorsi, Kharoud, Tahsil Pamgarh, District Janjgir - Champa (Chhattisgarh)

3 - Monika W/o Amit Aged About 34 Years R/o Village Khorsi, Kharoud, Tahsil Pamgarh, District Janjgir - Champa (Chhattisgarh)

4 - Savitri W/o Umendram Aged About 67 Years R/o Village Khorsi, Kharoud, Tahsil Pamgarh, District Janjgir - Champa (Chhattisgarh)

5 - Santosh Kumar S/o Gouraha Aged About 49 Years R/o Village Khorsi, Kharoud, Tahsil Pamgarh, District Janjgir - Champa (Chhattisgah)

---**Petitioners**

Versus

1 - State of Chhattisgarh Through The Secretary, Department Of Water Resources, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, District Raipur (Chhattisgarh)

2 - Collector (Land Acquisition) Janjgir - Champa, District Janjgir - Champa (Chhattisgarh)

3 - Sub Divisional Officer (Revenue) Cum- Land Acquisition Officer Pamgarh, District Janjgir - Champa (Chhattisgarh)

4 - Executive Engineer Water Resources Survey And Barrage Construction Division No.- 2, Champa, District Janjgir- Champa (Chhattisgarh)

--- **Respondents**

WPC No. 2766 of 2023

1 - Sita W/o. Neelkanth, Aged About 37 Years R/o. Village Khorsi Kharoud, Tahsil Pamgarh, District Janjgir- Champa Chhattisgarh

2 - Vrihaspati W/o. Hukum Aged About 50 Years R/o. Village Khorsi Kharoud, Tahsil Pamgarh, District Janjgir- Champa Chhattisgarh

3 - Arvind S/o. Babulal Aged About 34 Years R/o. Village Khorsi Kharoud, Tahsil Pamgarh, District Janjgir- Champa Chhattisgarh

4 - Milwantin, S/o. Goutam Aged About 76 Years R/o. Village Khorsi Kharoud, Tahsil Pamgarh, District Janjgir- Champa Chhattisgarh

5 - Hukum S/o. Prahlad, Aged About 56 Years R/o. Village Khorsi Kharoud, Tahsil Pamgarh, District Janjgir- Champa Chhattisgarh

---**Petitioners**

Versus

1 - State of Chhattisgarh Through The Secretary, Department Of Water Resources, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, District Raipur Chhattisgarh

2 - Collector, (Land Acquisition), Janjgir-Champa, District Janjgir - Champa Chhattisgarh

3 - Sub Divisional Officer (Revenue), Cum- Land Acquisition Officer, Pamgarh, District Janjgir-Champa Chhattisgarh

4 - Executive Engineer, Water Resources Survey And Barrage Construction Division No. 2 Champa, District Janjgir-Champa Chhattisgarh

--- **Respondents**

WPC No. 2753 of 2023

1 - Sujay S/o Suryakant, Aged About 20 Years R/o Village Khorsi, Kharoud, Tashil Pamgarh, District Janjgir-Champa Chhattisgarh

2 - Tularam S/o Vijeram Aged About 60 Years R/o Village Khorsi, Kharoud, Tashil Pamgarh, District Janjgir-Champa Chhattisgarh

3 - Roshni W/o Manish Kumar, Aged About 39 Years R/o Village Khorsi, Kharoud, Tashil Pamgarh, District Janjgir-Champa Chhattisgarh

---**Petitioners**

Versus

1 - State of Chhattisgarh The Secretary, Depatment Of Water Resources, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, District- Raipur Chhattisgarh

2 - Collector(Land Acquisition), Janjgir- Champa , Dist. Janjgir- Champa Chhattisgarh

3 - Sub Divisional Officer(Revenue) Cum-Land Acquistion Officer, Pamgarh, District Janjgir-Champa Chhattisgarh

4 - Executive Engineer, Water Resources, Survey And Barrage Construction Division No2- Champa, Dist. Janjgir-Champa Chhattisgarh

--- **Respondents**

WPC No. 2759 of 2023

1 - Krishna S/o Umendram Aged About 31 Years R/o Village Khorsi, Kharoud, Tahsil Pamgarh, District Janjgir Champa Chhattisgarh

2 - Shanti Bai D/o Rathlal Aged About 55 Years R/o Village Khorsi, Kharoud, Tahsil Pamgarh, District Janjgir Champa Chhattisgarh

3 - Suman Bai D/o Umendram Aged About 54 Years R/o Village Khorsi, Kharoud, Tahsil Pamgarh District Janjgir Champa Chhattisgarh

4 - Jyoti W/o Suryakant Aged About 46 Years R/o Village Khorsi, Kharoud, Tahsil Pamgarh District Janjgir Champa Chhattisgarh

5 - Badrika D/o Umendram Aged About 50 Years R/o Village Khorsi, Kharoud, Tahsil Pamgarh District Janjgir Champa Chhattisgarh

---**Petitioners**

Versus

1 - State of Chhattisgarh Janjgir Champa, District Janjgir Champa Chhattisgarh

2 - Collector (Land Acquisition) Janjgir Champa, District Janjgir Champa Chhattisgarh

3 - Sub Divisional Officer (Revenue) Cum Land Acquisition Officer, Pamgarh, District Janjgir Champa Chhattisgarh

4 - Executive Engineer Water Resources Survey And Barrage Construction Division No. 2, Champa, District Janjgir Champa Chhattisgarh

--- **Respondents**

WPC No. 2760 of 2023

1 - Savita W/o Deepak Aged About 59 Years R/o Village Khorsi Kharoud, Tashil Pamgarh, District Janjgir-Champa Chhattisgarh

2 - Rekha, W/o Sikandarlal Aged About 31 Years R/o Village Khorsi, Kharoud, Tashil Pamgarh, District Janjgir-Champa Chhattisgarh

3 - Sunil Kumar S/o Hukam Aged About 24 Years R/o Village Khorsi, Kharoud, Tashil Pamgarh, District Janjgir-Champa Chhattisgarh

4 - Suraj Kumar S/o Shivkumar Aged About 43 Years R/o Village Khorsi, Kharoud, Tashil Pamgarh, District Janjgir-Champa Chhattisgarh

5 - Ajay Gandhi S/o Narayandas Aged About 43 Years R/o Village Khorsi, Kharoud, Tashil Pamgarh, District Janjgir-Champa Chhattisgarh

---**Petitioners**

Versus

1 - State of Chhattisgarh Through The Secretary, Department Of Water Resourses, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, District Raipur Chhattisgarh

2 - Collector (Land Acquisition) Janjgir-Champa, Dist. Janjgir-Champa Chhattisgarh

3 - Sub Divisional Office (Revenue)-Cum-Land Acquistion Officer, Pamgarh, District Janjgir-Champa Chhattisgarh

4 - Executive Engineer, Water Resources Survey And Barrage Construction Division No.-2, Champa, Dist. Janjgir-Champa Chhattisgarh

--- **Respondents**

WPC No. 2761 of 2023

1 - Rajeshwari W/o Shivkumar Aged About 67 Years R/o Village Khorsi, Kharoud, Tahsil Pamgarh, District Janjgir-Champa (C.G.)

2 - Ramkhilawan S/o Bauda Aged About 68 Years R/o Village Khorsi, Kharoud, Tahsil Pamgarh, District Janjgir-Champa (C.G.)

3 - Jirjodhan S/o Gopi Aged About 75 Years R/o Village Khorsi, Kharoud, Tahsil Pamgarh, District Janjgir-Champa (C.G.)

4 - Rathlal S/o Budhram Aged About 60 Years R/o Village Khorsi, Kharoud, Tahsil Pamgarh, District Janjgir-Champa (C.G.)

5 - Sikander S/o Pardeshi Aged About 41 Years R/o Village Khorsi, Kharoud, Tahsil Pamgarh, District Janjgir-Champa (C.G.)

---**Petitioners**

Versus

1 - State of Chhattisgarh Through The Secretary, Department Of Water Resources, Mahanadi Mantralaya, Naya Raipur, Atal Nagar, Post Office And Police Station Naya Raipur, District Raipur (C.G.)

2 - Collector (Land Acquisition) Janjgir-Champa, Dist. Janjgir-Champa (C.G.)

3 - Sub Divisional Officer (Revenue) Cum-Land Acquisition Officer Pamgarh, District Janjgir-Champa (C.G.)

4 - Executive Engineer Water Resources Survey And Barrage Construction Division No. 2, Champa, Dist. Janjgir-Champa (C.G.)

--- **Respondents**

(Cause title is downloaded from CIS Periphery.)

For Petitioners	**:**	Mr. Anuroop Panda, Advocate.
For State	**:**	Mr. Shobhit Mishra, Dy. G.A.

Hon'ble Mr. Justice Amitendra Kishore Prasad

C.A.V. Order

1. All these captioned writ petitions share a common background and involve the same issues, therefore, they were clubbed, heard together for hearing the matter analogously and to decide the same by a common order. and are disposed of by this common order.
2. For the sake of convenience, Writ Petition (C) No. 1083 of 2023 is treated as the lead case for the purpose of disposing all the writ petitions. The petitioner in the said writ petition has prayed for the following reliefs :-

> “10.1 That, this Hon’ble Court may kindly be pleased to direct the respondent authorities to make payment of compensation as well as value of the land as per sq. mtr. basis as per the proposal dated 06/06/2022 along with interest.
>
> 10.2 Cost of the petition may also be granted to the petitioner.
>
> 10.3 Any other relief, which this Hon’ble Court deems fit and proper, may also kindly be granted to the petitioner, in the interest of justice.”

3. The brief facts of the case, as projected by the petitioners, are that the respondent No. 2/Collector (Land Acquisition Branch) vide proposal dated 06/06/2022 for purchasing private land owned by the petitioner bearing Khasra No. 1039/10, 1365/2 and 1366/1 total area 0.048 hectares = 480 sq. mtrs. are submerged land in the water during construction of Shivnarayan Barrage of the Water Resources Department. According to the aforesaid proposal the concerned Collector has proposed to make payment of the land including rehabilitation compensation stating requirement of the said land in the submerged area of the Shivnarayan Barrage. Accordingly, as per guidelines of the Collector for the year 2021-22 the proposed compensation was calculated at the rate of Rs. 637/- per sq. mtr. The total value of the land was assessed to be of Rs. 3,05,760/- i.e., {480 sq. mtr. x Rs. 637/-) and while adding rehabilitation and other benefits, the

total compensation was calculated to be of Rs. 17, 23, 040/-. The petitioner being satisfied with the aforesaid proposal of the concerned Collector cum Land Acquisition Officer has given his consent in form “ख". Since the petitioner was satisfied with the aforesaid compensation calculated by the respondent authorities, he has given his consent for acquisition of his land however, all of sudden, the authorities have reduced the compensation to the tune of Rs. 3, 56, 832/- stating that the earlier rate fixed was on the basis of sq. mtrs. whereas it has to be calculated on per hectare basis, as such, the amount was reduced. Since, the rate was contrary to form ['क' & 'ख] as per "***आपसी सहमति से भूमि क्रय नीति 2016”***. As such, being dissatisfied with this, the petitioner submitted a detailed representation before the authorities concerned and prayed for reconsideration, however, till date no steps have been taken for correcting and assessing the actual market rate on per sq. mtr. basis, as such the petitioners have filed this petition stating that after being taken consent from them on a higher rate, now the respondent authorities are reducing the rate for which the petitioners have not given their consent, as such the authorities are required to make payment on the rate and amount to which the petitioners were given consent for.

4. Mr. Anuroop Panda, learned counsel for the petitioners submits that the impugned order dated 18.11.2022 by which the compensation has been calculated by the respondent authorities

are not in accordance with law. The petitioners have given consent under form ['क' & 'ख] of the ***आपसी सहमति से भूमि क्रय नीति 2016*** on the rate which has been proposed to the petitioner to the tune of Rs. 17, 23, 040/- in total including rehabilitation and other benefits. The said consent was on the basis of sq. mtrs. of land as per market value. Since the proposed rate was beneficial and as such the petitioners have given their consent for purchasing the said land under the ***आपसी सहमति से भूमि क्रय नीति 2016*** and has given consent on the pretext of aforesaid rate. The consent was not given for the reduced rate which has been calculated on per hectare basis. The consent cannot be taken while deviating from its earlier proposed rate. If a consent is being taken on the basis of higher rate and thereafter, the rate is being reduced unilaterally then the same cannot be considered to be in accordance with law. The consent can only be voluntarily and not oppressive and in the present matter, the respondent authorities have taken consent on a higher rates and now when the petitioners have given consent on the higher rates, it is now being changed with lower rates which cannot be said to be in accordance with law, as such, the same cannot be accepted. The respondent authorities cannot deviate from their proposed rate while reducing the same drastically.

5. On the other hand, Mr. Shobhit Mishra, Dy. G.A. for the State submits that the petitioners have given their consent under ***आपसी***

सहमति से भूमि क्रय नीति 2016 [**"Land Purchase Policy with Mutual Consent, 2016"**]. The earlier rate was proposed rate which was not final rate, thereafter final award has already been passed on 18.11.2022. The proposed rate was on an unverified preliminary draft proposal rate which is legally untenable as the authorities are having inherent power under Land Purchase Policy with Mutual Consent, 2016 policy to correct clerical and arithmetical error prior to finalisation. As of now since final award has already been passed and payment proceedings are underway, the challenge by way of this petition is not in accordance with law. The concerned petitioner has not challenged the revised calculation sheet and now he is challenging the award passed by the respondent No. 2/Collector on the basis of revised calculation sheet which is not in accordance with law. Once, the final determination of compensation was arrived at, the petitioners are not having any vested legal right as they were stopped from raising dispute since the award has been passed and as such if the petitioners are dissatisfied with the award, they may file an appropriate application for reference under Section 65 of the Act of 2013 before the competent authority.

6. Having heard learned counsel for the parties, upon perusal of the record with utmost circumspection as well as the consent given by the concerned petitioner, the first and foremost thing for consideration would be whether the consent given in form ['क' &

'ख] for a higher rates can be considered for a consent by which the respondent authorities have reduced the compensation from calculating the compensation on sq. mtrs. on the basis of per hectare.

7. In the Black's Law Dictionary XVIIIth edition, consent has been defined as *"consent means agreement/approval or permission as to some act or purpose especially given voluntarily by competent person"*. From perusal of the aforesaid law dictionary, the meaning of consent, it appears that in the present matter consent is based upon the value of the land which has been calculated on sq. mtrs basis, had the petitioners should have been informed about the hectare basis, perhaps they would have not consented for sale of their land under the "***आपसी सहमति से भूमि क्रय नीति 2016"***. The argument as advanced by the learned counsel for the State that it was a proposed rough calculation does not impress this Court as the consent was taken on the basis of sq. mtrs. rate, which is higher and thereafter, the substitution of earlier rate by applying hectare mtrs. rate by which the substantial decrease in the rate has come cannot be said to be on the basis of earlier consent given on higher rate. The petitioners have not consented for a lower rate and as such subsequently, the respondent authorities cannot reduce the rate and can say that it was consent given by respective petitioners under the **"*आपसी सहमति से भूमि***

क्रय नीति 2016 **["Land Purchase Policy with Mutual Consent, 2016"]., 2016",** the relevant portion of the same reads as thus:

> " राज्य सरकार के विभिन्न विभागों, उपक्रमों/ संस्थाओं को उनकी अधोसंचना निर्माण एवं विकास परियोजनाओं के क्रियान्वयन के लिए समय-समय पर निजी भूमि की आवश्यकता पडती है। भू-अर्जन की प्रक्रिया में लगने वाले अतिरिक्त समय और लागत को बचाने की दृष्टि से शासकीय परियोजनाओं को निर्धारित समयावधि में क्रियान्वित करने हेतु प्रतिफल का भुगतान करके भू-धारकों की आपसी सहमति से भूमि प्राप्त की जा सकती है। अनेक अवसर पर निजी भूमि धारक उपरोक्त प्रयोजनों के लिये अपनी भूमि राज्य शासन को विक्रय करने में रूचि रखते हैं, क्योंकि प्रस्तावित अधोसंचना निर्माण, विकास परियोजनाओं आदि के त्वरित क्रियान्वयन से स्थानीय क्षेत्र का विकास सुनिश्चित होकर वहां के निवासियों को अनेक सामाजिक-आर्थिक लाभ प्राप्त होते है। साथ ही भूमि विक्रय की यह विकल्प उन्हे प्रक्रियात्मक सुगमता, समय की बचत व विक्रय मूल्य की शीघ्र प्राप्ति आदि कारेणों से भी आकर्षित करता है। आपसी सहमति से राज्य शासन द्वारा भूमि धारकों से भूमि क्रय करना कई परिस्थितियों में दोनों पक्षों के साथ-साथ व्यापक लोकहित में भी लाभकारी होता है।"

8. The Hon’ble Suprme Court in the matter of ***Manohar and Others vs. The State of Maharashtra and Others*** reported in **2025 SCC**

OnLine SC 1519 has held in paras 31, 35 & 49 which reads as under:-

> "**31**. In the case of ***Anjani Molu Dessai*** (supra) this Court, while referring to two previous decisions of this Court, held thus:
>
> > "**20. The legal position is that even where there are several exemplars with reference to similar lands, usually the highest of the exemplars, which is a bona fide transaction, will be considered. Where however there are several sales of similar lands whose prices range in a narrow bandwidth, the average thereof can be taken, as representing the market price. But where the values disclosed in respect of two sales are markedly different, it can only lead to an inference that they are with reference to dissimilar lands or that the lower value sale is on account of undervaluation or other price depressing reasons. Consequently, averaging cannot be resorted to**. We may refer to two decisions of this Court in this behalf.
> >
> > 21. In M. Vijayalakshmamma Rao Bahadur v. Collector [(1969) 1 MLJ 45 (SC)] , a three-

Judge Bench of this Court observed that the proper method for evaluation of market value is by taking the highest of the exemplars and not by averaging of different types of sale transactions. This Court held: (MLJ pp. 46-47)

"**It seems to us that there is substance in the first contention of Mr Ram Reddy. After all when the land is being compulsorily taken away from a person, he is entitled to say that he should be given the highest value which similar land in the locality is shown to have fetched in a bona fide transaction entered into between a willing purchaser and a willing seller near about the time of the acquisition**. It is not disputed that the transaction represented by Ext. R-19 was a few months prior to the notification under Section 4 that it was a bona fide transaction and that it was entered into between a willing purchaser and a willing seller. The land comprised in the sale deed is 11 grounds and was sold at Rs. 1961 per ground. The land covered by Ext. R-27 was also sold before the notification but after the land comprised in Ext. R-19 was sold. It is true that this land was sold at Rs. 1096 per ground. This, however, is apparently because of two circumstances. One is that betterment levy at Rs. 500 per ground had to be paid by the vendee and the other that the land comprised in it is very much more extensive, that is about 93 grounds or so. Whatever that may be, it seems to us to be only fair that where sale deeds pertaining to different

transactions are relied on behalf of the Government, that representing the highest value should be preferred to the rest unless there are strong circumstances justifying a different course. In any case we see no reason why an average of two sale deeds should have been taken in this case."

22 In State of Punjab v. Hans Raj [(1994) 5 SCC 734] this Court held: (SCC p. 736, para 4)

"4. Having given our anxious consideration to the respective contentions, we are of the considered view that the learned Single Judge of the High Court committed a grave error in working out average price paid under the sale transactions to determine the market value of the acquired land on that basis. As the method of averaging the prices fetched by sales of different lands of different kinds at different times, for fixing the market value of the acquired land, if followed, could bring about a figure of price which may not at all be regarded as the price to be fetched by sale of acquired land. One should not have, ordinarily recourse to such method. **It is well settled that genuine and bona fide sale transactions in respect of the land under acquisition or in its absence the bona fide sale transactions proximate to the point of acquisition of the lands situated in the neighbourhood of the acquired lands possessing similar value or utility taken place between a willing vendee and the willing vendor which could be expected to reflect the true value, as agreed between reasonable prudent**

persons acting in the normal market conditions are the real basis to determine the market value.”” (emphasis supplied)

35. Firstly, she relied on paragraph 20 of the judgment of this Court in the case of ***Kapil Mehra*** (supra), which reads thus:

“20. Where the lands acquired are of different type and different locations, averaging is not permissible. But where there are several sales of similar lands, more or less, at the same time, whose prices have marginal variaton, averaging thereof is permissible. **For the purpose of fixation of fair and reasonable market value of any type of land, abnormally high value or abnormally low value sales should be carefully discarded**. If the number of sale deeds of the same locality and the same period with short intervals are available, the average price of the available number of sale dees shall be considered as a fair and reasonable market price.” **(emphasis supplied)**

49. It is further to be noted that only because the Reference Court, without recording any reason, decided to completely overlook/omit the sale instance at Sr. No. 4 and only took into consideration the sale

instances at Sr. Nos. 1, 2, 3 and 5, which are having value of Rs. 40,000/- per Acre, Rs. 41,000/- per Acre, Rs. 40,000/- per Acre and Rs. 40,000/- per Acre respectively; the averaging of these sale instances, having a marginal variation, could have been envisaged by the Reference Court. We are, however, of the considered opinion that such an approach taken by the Reference Court was completely impermissible. Even in the case of Nirmal Singh (supra), relied upon by the learned counsel for Respondent No. 3 (MIDC), where this Court took the average of the sale considerations mentioned therein, the range of prices was in a narrow bandwith. The contention of the learned counsel for Respondent No. 3 (MIDC) qua the method of computation of the compensation is, therefore, also rejected."

9. It is quite evident that the respondent authorities obtained the petitioner's consent at a higher rate but subsequently passed the award/order at a substantially lower rate, thereby raising concerns regarding the proper implementation of the State's policy, namely, the ***"आपसी सहमति से भूमि क्रय नीति 2016"***. The consent furnished by the petitioner at the higher rate cannot be construed as consent to accept compensation at a substantially reduced rate. Having regard to the facts and circumstances of the

case, this Court is of the considered view that the matter deserves to be remitted to the concerned authorities for reconsideration of the rate of compensation in accordance with the aforesaid policy. Accordingly, the concerned authorities are directed to afford the petitioner an opportunity of hearing and thereafter pass an appropriate, reasoned order in accordance with law.

10. Consequently, the impugned order dated 18.11.2022 passed by respondent No. 2/Collector (Land Acquisition), Janjgir-Champa, District Janjgir-Champa (C.G.), is hereby set aside. The matter is remitted to the competent authority for reconsideration in terms of the observations and directions contained hereinabove.

11. With this observations and directions, the batch of petitions stands **disposed of**.

Sd/-

(Amitendra Kishore Prasad)

Judge

U.K. Raju